

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

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DUBLIN DIVISION

CLERK J. Hodge  
SO. DIST. OF GA.

JEROME ELLIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 320-033
	)	
MS. OLIVER, Nurse Practitioner;	)	
DEPUTY WARDEN GIBBONS, Security;	)	
ANTHONY CALDWELL, Warden;	)	
MS. CARSWELL, Mail Officer;	)	
MS. MESSER, Deputy Warden of	)	
Administration; MS. BRAGGS, Chief	)	
Counsel; AGENTS; JOHN AND OR	)	
JANE DOES, Johnson State Prison;	)	
JOHN AND OR JANE DOES, Medical	)	
Administrator; and OFFICER THOMAS,	)	
	)	
Defendants.	)	

**ORDER**

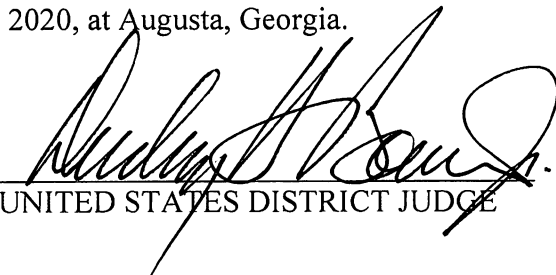
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. nos. 28, 29, 33, 35.) The Magistrate Judge recommended denying Plaintiff permission to proceed *in forma pauperis* because he has acquired three strikes under 28 U.S.C. § 1915(g) and does not qualify for the imminent danger exception. (Doc. no. 25, pp. 2-6.) Moreover, the case is also subject to dismissal because Plaintiff provided dishonest information about his prior filing history. (*Id.* at 6-8.)

Plaintiff's declarations, affidavits, and motions for joinder (doc. nos. 30, 32), all sound the similar refrain, previously addressed in the Magistrate Judge's recommendation,

that Plaintiff is unhappy the medical personnel from whom he receives his medical care refuse to send him to a doctor outside of the prison system, and he objects to the dismissal of his case. Plaintiff's filings do not change the Magistrate Judge's analysis. In fact, Plaintiff's filings, no matter the title affixed at the top of the page, support the Magistrate Judge's conclusion that Plaintiff is receiving medical care, albeit not the type he prefers, and allegations of problems with food service trays containing dirty dishwater, grievance delays, and mail delivery issues do not satisfy the imminent danger exception to the "three strikes" rule of § 1915(g). Moreover, even if Plaintiff were eligible to proceed *in forma pauperis*, as the Magistrate Judge also explained, the case is subject to dismissal because Plaintiff provided dishonest information about his prior filing history.

Accordingly, the Court **OVERRULES** all objections. Therefore, the Court **DENIES** Plaintiff's requests to proceed *in forma pauperis* (doc. nos. 16, 31), **DENIES AS MOOT** the motions for joinder (doc. nos. 30, 32), **DISMISSES** this action without prejudice, and **CLOSES** this civil action. If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must initiate a new lawsuit, which would require submission of a new complaint. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

SO ORDERED this 14<sup>th</sup> day of August, 2020, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE